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BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF
SUNSET REALTY INC.,

Appellant,

vs.

PUGET SOUND AIR POLLUTION
CONTROL AGENCY,

Respondent.

PCHB No. 247

FINDINGS OF FACT,
CONCLUSION AND ORDER

The formal hearing on the appeal of Sunset Realty Inc. to a Notice of Civil Penalty of \$50.00 for allegedly causing or allowing an outdoor fire came on before W. A. Gissberg, a member of the Board, on March 1, 1973 in Everett, Washington. Appellant appeared by and through its president, Anthony DiPangrazio and respondent appeared through its attorney, Keith D. McGoffin.

Having reviewed the transcript of testimony, the exhibits and the file and no objections or exceptions to the Proposed Order having been received, the Board makes the following

FINDINGS OF FACT

I.

An outdoor fire, on November 29, 1972, was unlawfully burning at 5711 - 204th Street, Southwest Lynnwood, Washington in violation of Section 9.02 of respondent's Regulation I.

II.

The property on which the violation occurred was owned and controlled by Sunset Construction, Inc. Appellant corporation had no right, title or interest of any kind, nature or description in and to the property, nor did appellant cause or allow the fire.

From which follows this

CONCLUSION OF LAW

Appellant did not violate respondent's Regulation I.

From which follows this

DECISION

The appeal is sustained and respondent's Notice of Civil Penalty No. 562 is reversed and ordered stricken as to appellant.

DONE at Lacey, Washington this 14th day of June, 1973.

POLLUTION CONTROL HEARINGS BOARD

Walt Woodward
WALT WOODWARD, Chairman

James T. Sheehy
JAMES T. SHEEHY, Member

W. A. Gissberg
W. A. GISSBERG, Member

FINDINGS OF FACT,
CONCLUSION AND ORDER